



Order Filed on July 16, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-1

**LOWENSTEIN SANDLER LLP**

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Debtor-in-Possession*

In re:

HOLLISTER CONSTRUCTION SERVICES, LLC,<sup>1</sup>  
Debtor.

Chapter 11

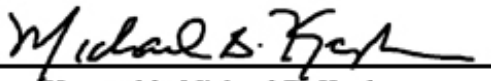
Case No. 19-27439 (MBK)

Hearing Date: July 16, 2020 at 10:00 a.m. (ET)

**ORDER RESOLVING WILMER O. RODRIGUEZ HERNANDEZ'S MOTION FOR  
RELIEF FROM THE AUTOMATIC STAY TO CONTINUE WITH  
STATE COURT PERSONAL INJURY CLAIM LITIGATION  
TO THE EXTENT OF INSURANCE PROCEEDS**

The relief set forth on the following pages, numbered two (2) through and including three (3), is hereby **ORDERED**.

**DATED: July 16, 2020**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

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Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: Order Resolving Wilmer O. Rodriguez Hernandez's Motion for Relief from the Automatic Stay to Continue with State Court Personal Injury Claim Litigation to the Extent of Insurance Proceeds

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Upon the motion (the "Motion") of Wilmer O. Rodriguez Hernandez ("Mr. Rodriguez Hernandez"), for entry of an order lifting the automatic stay to allow a certain state court personal injury action filed under Docket No. ESX-L-2926-18 (the "State Court Action") to proceed on the condition that the plaintiff in that action limits his damages against the Debtor to available insurance proceeds [Docket No. 1176]; and Mr. Rodriguez Hernandez and the Debtor having resolved the Motion; and the non-Debtor parties in the State Court Action having received notice of the proposed form of this Order and having made no objection thereto; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, as amended on September 18, 2012; and venue being proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and notice of the Motion being sufficient under the circumstances; and it appearing that no other or further notice need be provided; and after due deliberation and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED THAT:**

1. The automatic stay of section 362(a) of the Bankruptcy Code be, and hereby is, modified to allow Mr. Rodriguez Hernandez to prosecute the State Court Action against the Debtor solely up to the policy limits of all available liability insurance covering the Debtor inclusive of any self-insured deductible of the Debtor.

2. Said automatic stay is modified further to allow the non-Debtor parties in the State Court Action to prosecute their cross-claims and counterclaims against the Debtor, if any, solely up to the policy limits of all available liability insurance covering the Debtor inclusive of any self-insured deductible of the Debtor.

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Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: Order Resolving Wilmer O. Rodriguez Hernandez's Motion for Relief from the Automatic Stay to Continue with State Court Personal Injury Claim Litigation to the Extent of Insurance Proceeds

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3. Mr. Rodriguez Hernandez and the non-Debtor parties in the State Court Action waive any right to recover or seek to recover any deductible from the Debtor, and they waive their right to file or assert any claim or proof of claim against the Debtor and its estate. Any proof of claim filed by Mr. Rodriguez Hernandez or the non-Debtor parties regarding the State Court Action against the Debtor and its estate shall be deemed expunged and disallowed upon entry of this Order.

4. In the event there is insufficient insurance coverage to satisfy in full all claims, recoveries, settlements, judgments, and any and all other sums awarded in connection with all claims asserted against the Debtor's insurance policy for the same applicable policy year as the claims asserted by Mr. Rodriguez Hernandez and the non-Debtor parties in the State Court Action, Mr. Rodriguez Hernandez and the non-Debtor parties in the State Court Action agree to share the available insurance proceeds *pro rata* with any other claimants whose claims are asserted against or implicated the same policy year.

5. This Order shall be immediately effective and enforceable upon its entry.

6. The parties are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

7. This Court shall retain exclusive jurisdiction to hear and decide any and all disputes related to or arising from the implementation, interpretation or enforcement of this Order.

United States Bankruptcy Court  
District of New JerseyIn re:  
Hollister Construction Services, LLC  
DebtorCase No. 19-27439-MBK  
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903Page 1 of 5  
Total Noticed: 1

Date Rcvd: Jul 16, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 18, 2020.

db +Hollister Construction Services, LLC, 339 Jefferson Road, Parsippany, NJ 07054-3707

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 18, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 16, 2020 at the address(es) listed below:

Adrienne C Rogove on behalf of Creditor 640 Columbia Owner LLC rogove@blankrome.com  
 Alan J. Brody on behalf of Creditor EWA Moonachie 77, LLC brody@gtlaw.com,  
 NJLitDock@gtlaw.com  
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 aciardi@ciardilaw.com,  
 sfrizlen@ciardilaw.com; dtorres@ciardilaw.com; jcranston@ciardilaw.com; aaecf-pa@ciardilaw.com  
 Albert A. Ciardi, III on behalf of Interested Party Delcon Builders, Inc.  
 aciardi@ciardilaw.com,  
 sfrizlen@ciardilaw.com; dtorres@ciardilaw.com; jcranston@ciardilaw.com; aaecf-pa@ciardilaw.com  
 Alex A Pisarevsky on behalf of Creditor Pereira Electrical Contracting, Inc. ap@njlawfirm.com  
 Alexander F. Barth on behalf of Defendant J M Pereira And Sons Inc. abarth@cohenseglia.com  
 Allen I Gorski on behalf of Creditor Leader Electric Co., Inc. agorski@gorskiknowlton.com  
 Allen J Barkin on behalf of Creditor Drobach Equipment Rental Co. abarkin@sbmesq.com,  
 sandy@sbmesq.com  
 Allen J. Underwood, II on behalf of Creditor Horizon Blue Cross Blue Shield of New Jersey  
 ajunderwood@beckermeisel.com, ajunderwood@ecf.courtdrive.com; mambrose@becker.legal  
 Andrea Dobin on behalf of Creditor Committee Official Committee of Unsecured Creditors  
 adobin@msbnj.com  
 Andrew B. Cohn on behalf of Creditor Jonasz Precast, Inc. acohn@kaplaw.com  
 Andrew J. Kelly on behalf of Creditor Schnell Contracting Systems, LLC akelly@kbtlaw.com,  
 wsheridan@kbtlaw.com; cyaccarinoesq@me.com; saudino@kbtlaw.com; mgifford@kbtlaw.com; kgaldieri@kbtlaw.com; tgraga@kbtlaw.com  
 Andrew R. Macklin on behalf of Creditor Pereira Electrical Contracting, Inc. arm@njlawfirm.com  
 Angelo Anthony Stio, III on behalf of Interested Party 5 Bay Street Phase 1 LLC, 5 Bay Street  
 Phase 1 Sponsor Member Inc. and 5 Bay Street Phase 3 LLC angelo.stio@troutman.com  
 Angelo Anthony Stio, III on behalf of Interested Party 10 Minerva Place, L.P. and 10 Minerva  
 Place Housing Development Fund Corporation angelo.stio@troutman.com  
 Anna Patras on behalf of Creditor Bohler Engineering NY, PLLC apatras@bohlereng.com  
 Anthony Sodono, III on behalf of Creditor Committee Official Committee of Unsecured  
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 Anthony M. Rainone on behalf of Creditor Industrial Maintenance Industries  
 arainone@bracheichler.com,  
 cbudris@bracheichler.com; palonso@bracheichler.com; ECF@bracheichler.com  
 Arielle Adler on behalf of Debtor Hollister Construction Services, LLC aadler@lowenstein.com,  
 elawler@lowenstein.com; jkimble@lowenstein.com  
 Arielle Adler on behalf of Plaintiff Hollister Construction Services, LLC  
 aadler@lowenstein.com, elawler@lowenstein.com; jkimble@lowenstein.com  
 Bart J. Klein on behalf of Creditor Midway Glass & Metal Installers, Inc.  
 bart@bartjkleinlaw.com  
 Bart J. Klein on behalf of Unknown Role Type Reynolds Painting Group NJ, LLC  
 bart@bartjkleinlaw.com  
 Bart J. Klein on behalf of Unknown Role Type Apple Coring & Sawing, LLC bart@bartjkleinlaw.com

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Total Noticed: 1

Date Rcvd: Jul 16, 2020

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Bart J. Klein on behalf of Defendant Direct Cabinet Sales Of Red Bank Inc.  
bart@bartjkleinlaw.com  
Benjamin A. Stanziale, Jr. on behalf of Creditor Life Town Inc. ben@stanzialelaw.com  
Brett Berman on behalf of Creditor Joffe Lumber & Supply Co., Inc. bberman@foxrothschild.com  
Brian Gregory Hannon on behalf of Creditor Imperial Floors, LLC bhannon@norgaardfirm.com,  
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Brian R Tipton on behalf of Defendant State Line Construction Co. btipton@fpsflawfirm.com  
Brian R Tipton on behalf of Creditor State Line Construction Company, Inc.  
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Brian W. Hofmeister on behalf of Mediator Brian W. Hofmeister bwh@hofmeisterfirm.com,  
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Bruce D. Buechler on behalf of Debtor Hollister Construction Services, LLC  
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Bryce Wallace Newell on behalf of Creditor LEG Acquisition LLC bnewell@rosenbergstis.com  
Carl J. Soranno on behalf of Defendant Haddad Heating & Plumbing Inc.  
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dfamula@bracheichler.com;jpmartin@bracheichler.com;krutkowski@bracheichler.com  
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Carol L. Knowlton on behalf of Creditor KSS Architects cknowlton@gorskiknowlton.com  
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Charles R Cohen on behalf of Creditor Pereira Electrical Contracting, Inc. crc@njlawfirm.com  
Christopher M. Santomassimo on behalf of Creditor Dancker csantomassimo@ndslaw.com  
Christopher P. Coval on behalf of Creditor Allglass Systems, LLC ccoval@fsdc-law.com  
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Curtiss T. Jameson on behalf of Creditor C Restoration, Inc. cjameson@jamesonesq.com  
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David L. Bruck on behalf of Creditor Nomad Framing, LLC bankruptcy@greenbaumlaw.com  
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Edmund Campbell on behalf of Creditor Glass Systems Tech, LLC  
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Eric Biderman on behalf of Creditor SBLP Princeton, LLC, a Delaware limited liability  
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Total Noticed: 1

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

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Joseph L. Schwartz on behalf of Counter-Defendant Newark Warehouse Urban Renewal, LLC  
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Joseph L. Schwartz on behalf of Counter-Defendant Newark Warehouse Redevelopment Company, LLC  
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Joseph L. Schwartz on behalf of Plaintiff Newark Warehouse Urban Renewal, LLC  
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Total Noticed: 1

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

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Joshua H. Raymond on behalf of Creditor Committee Official Committee of Unsecured Creditors  
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Karen L Thurston on behalf of Creditor Myrage LLC kthurston@frkblaw.com  
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Karen M Murray on behalf of Interested Party P. Tamburri Steel kmurray@murraynjlaw.com,  
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Lawrence B. Diener on behalf of Defendant Advanced Scaffold Services Mid-Atlantic LLC  
LBDiener@optimum.net  
Lawrence B. Diener on behalf of Creditor Advanced Scaffold Services Mid-Atlantic LLC  
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Marc D. Miceli on behalf of Interested Party R. Cipollini, Inc. t/a Cipollini Roofing  
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Margreta Morgulas on behalf of Creditor 3L & Company, Inc. mmorgulas@okinhollander.com  
Marguerite Schaffer on behalf of Creditor c/o Marguerite M. Unique Scaffolding Systems, LLC  
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Mario A. Batelli on behalf of Petitioning Creditor 360 Fire Prevention 360 Fire Prevention LLC  
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Martin P. Skolnick on behalf of Creditor Archmills LLC d/b/a ArchMills Doors and Hardware  
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Martin P. Skolnick on behalf of Creditor Stateline Fabricators, LLC mskolnick@gmail.com  
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Total Noticed: 1

Date Rcvd: Jul 16, 2020

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

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